

Stem Cell Agency Files Motion to Expedite Appeal

Legal Counsel Argues for Quick Resolution

SAN FRANCISCO, CA – Today the Attorney General's Office filed a motion in the First District Court of Appeal to expedite the appeal of the trial court's decision in *People's Advocate and National Tax Limitation Foundation v. Independent Citizens' Oversight Committee* (# HG05206766). The appellants, People's Advocate, the National Tax Limitation Foundation, and the California Family Bioethics Council, challenge the constitutionality of Proposition 71. They filed their notices of appeal earlier this month from the decision of Alameda Superior Court Judge Bonnie Sabraw upholding the constitutionality of the California Stem Cell Research and Cures Act (formerly known as Proposition 71) in its entirety.

"This is a crucial case which affects the interests of people across California," said Attorney General Bill Lockyer. "In approving Proposition 71, voters said clearly they want this state to be a leader in stem cell research, which holds so much promise for advancing public health. This legal challenge has thwarted the voters' will. The longer it lasts, the more harm it threatens to inflict on the state's stem cell research efforts. That's why we're asking the court to quickly resolve this case."

"Since the election in 2004, the Institute has been unable to issue grants at a rate that the voters determined necessary. The bar for winning this appeal is extraordinarily high— the plaintiffs know that — yet they persist in stalling stem cell research and the development of therapies through their pointless legal pursuits," said Robert Klein, Chairman of the Independent Citizens' Oversight Committee for the California Institute for Regenerative Medicine (CIRM). "The California Supreme Court has set a high standard for overturning initiatives, stating a measure must be clearly, presently, totally, and fatally unconstitutional. This appeal will not be a successful tactic to destroy a democratic expression of the people."

"Given the strength of the trial court's decision," Klein continued, "the opponents of Proposition 71 should demonstrate their respect for the voters of California and Judge Sabraw's unequivocal decision by dropping their appeal and permitting the Institute to fund this research at the levels mandated by the voters."

"Although this litigation has unfortunately impeded the funding of stem cell research, the CIRM has continued to build the medical, scientific and ethical infrastructure necessary to support the research once funding is available," said CIRM President Zach W. Hall, Ph.D. "We have spent the past 18 months forming a new state agency and developing the processes and regulations for the grants we will be awarding. We continue to

actively seek input from all concerned parties as we finalize the development of our strategic plan to make the best policies to advance the science.”

“We have determined the initial grant-making priorities, and have distributed more than \$12 million in grants to 16 research institutions around the state,” continued Hall. “We look forward to a prompt resolution of this appeal so we can get on with the work at hand. We are eager to fund science toward medical advancements in California.”

Last month, Alameda County Judge Bonnie Sabraw determined that the Institute was firmly under the management and control of the state. She found the agency to be accountable to the public, and that the agency has proceeded in that manner in carrying out its operations.

Former First Lady Nancy Reagan expressed her support with the Superior Court decision stating, “I am delighted with the decision to uphold Proposition 71. I am hopeful now that we can move ahead with this important work that means so much to so many.”

About CIRM

CIRM was established in 2004 with the passage of Proposition 71, the California Stem Cell Research and Cures Act. The institute is responsible for disbursing \$3 billion in State funds for stem cell research to California universities and research institutions over the next ten years and is overseen and governed by the Independent Citizens Oversight Committee (ICOC). For more information, please visit CIRM’s Web site at www.cirm.ca.gov.

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